

DEFICIENCY PROGRESS REPORT – UPDATE 7

Date Submitted: June 22, 2010

CUPA: FRESNO COUNTY DIVISION OF ENVIRONMENTAL HEALTH

Evaluation Date: May 7 and 8, 2008

Evaluators: Jennifer Lorenzo (now Ernie Genter), Cal/EPA
Asha Arora, DTSC
Fred Mehr, OES
Sean Farrow, SWRCB

Update 5 Submittal Date: December 14, 2009

Status: Deficiencies 3, 5, and 11 remain outstanding.

Update 6 Submittal Date: March 15, 2010

Status: Deficiencies 3, 5, 11 remain outstanding.

Update 7 Submittal Date: June 22, 2010

Deficiencies Corrected: 3

Status: Deficiency 5 and 11 remain outstanding

Next Progress Report (8th Update) Due: September 13, 2010

Deficiency 3: The CUPA is not inspecting all stationary sources at least once every three years.

Corrective Action: By October 30, 2008, the CUPA will develop and submit an action plan outlining how the CUPA will inspect all of the stationary sources once every three years. Beginning October 30, 2008, the CUPA will submit a report of their progress, including the number of facilities inspected.

CUPA Update 1: An action plan has been developed outlining how the CUPA will inspect all of the stationary sources once every three years.

ACTION PLAN DETAIL: 120 CalARP facilities exist, 20 have been inspected and 100 are due for inspection, 33 to 35 sites will be identified a year for inspection and audit. A minimum of 2-3 facilities will be inspected per month by the each staff person assigned to the program.

Comments to Update 1: The CUPA has developed an action plan to inspect all CalARP facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities. On the next update, due January 28, 2009, please include the total number of CalARP facilities and the number of facilities inspected for compliance.

CUPA Update 2: 123 CalARP facilities exist, 23 have been inspected and 100 are due for inspection, 33 to 35 sites will be identified a year for inspection and audit. At least 3 have been inspected during this fiscal year and additional staff is being trained to

perform the inspections in relation to the 5 year re-submittal requirement for USEPA. A minimum of 2-3 facilities will be inspected per month by the each staff person assigned to the program.

Comments to Update 2: *The CUPA has developed an action plan to inspect all CalARP facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities.*

CUPA Corrective Action (Update 3): As of March 31, 2009, 25 CalARP facilities have been inspected by CUPA staff. We are maintaining our goal of 2-3 facilities inspected per month.

Comments to Update 3: *This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of CalARP facilities and the number of facilities inspected for compliance on the next progress report due July 27, 2009.*

CUPA Corrective Action (Update 4): As of June 30, 2009, 26 CalARP facilities have been inspected by CUPA staff. We are maintaining our goal of 2-3 facilities inspected per month. The review of activity showed 85 CalARP facilities had activity during the fiscal year. An in-depth analysis will be done to see if additional inspections numbers will be added to the final count.

Cal EMA Comments to Update 4: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of CalARP facilities and the number of facilities inspected for compliance on the next progress report.*

CUPA Corrective Action, (Update 5): A review of the CalARP facility inspections for the period of July 1, 2009 to Dec 30, 2009 was completed. It shows that 14 CalARP facilities have been inspected by CUPA staff during the current fiscal year. The current count of CalARP facilities in Fresno County is 134. There has been an increase of 14 regulated CalARP facilities since our first update with no additional staff.

CalEMA Response to Update 5: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of CalARP facilities and the number of facilities inspected for compliance on the next progress report.*

CUPA Corrective Action, (Update 6): A review of the CalARP facility inspections for the period of July 1, 2009 to March 2010 was completed. It shows that 31 CalARP facilities have been inspected by CUPA staff during the current fiscal year. The current count of CalARP facilities in Fresno County is 134

CalEMA Response to Update 6: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of CalARP facilities and the number of facilities inspected for compliance on the next progress report.*

CUPA Corrective Action, (Update 7): A review of the CalARP facility inspections for the period of July 1, 2009 to June 2010 was completed. It shows that 76 CalARP facilities have been inspected, audited and/or RMP reviewed by CUPA staff during the current fiscal year. The current count of CalARP facilities in Fresno County is 134

CalEMA Response to Update 7: *This deficiency has been corrected. Keep up the good work.*

Deficiency 5: The CUPA is not inspecting all regulated businesses subject to the hazardous materials reporting requirements, including farms, at least once every three years.

Corrective Action: By October 30, 2008, the CUPA will develop and submit an action plan outlining how the CUPA will inspect all of the regulated businesses once every three years. Beginning October 30, 2008, the CUPA will submit a report of their progress, including the total number of business plan facilities and the number of facilities inspected for compliance.

CUPA Update 1: An action plan has been developed outlining how the CUPA will inspect all of the Hazardous Material Business Plan (HMBP) once every three years.

ACTION PLAN DETAIL: 2197 HMBP facilities exist, 835 have been inspected and 1362 are due for inspection, 450-460 sites will be identified a year for inspection and audit. An average of 8-10 facilities will be inspected per month by each of 7 staff assigned to the program.

Comments to Update 1: *The CUPA has developed an action plan to inspect all business plan facilities at least once every three years. This deficiency remains in the process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities. On the next update, due January 28, 2009, please include the total number of business plan facilities and the number of facilities inspected for compliance.*

CUPA Update 2: During the first 6 months of the current fiscal year (July-Dec 31, 2008) CUPA staff have completed 278 facility inspections. This number is still below the planned average. However 2 CUPA staff were required to attend 4 weeks of specialized training for emergency response and the office was closed for 1 week during the holidays. If these are factored into the assessment staff are on track to inspect all regulated businesses within the next 3 years.

Comments to Update 2: *The CUPA has developed an action plan to inspect all business plan facilities at least once every three years. This deficiency remains in the*

process of being corrected. OES looks forward to following the CUPA's progress on inspecting its facilities.

CUPA Corrective Action (Update 3): During the first 9 months of the current fiscal year (July-March 31, 2009) CUPA staff have completed 401 facility inspections of the 2210 active HMBP facilities in the county. This number is still below the planned average. The CUPA Program will be launching an online Public Portal for the electronic submission of Hazardous Materials Business Plans. The Portal will enhance the capability of the CUPA program and hopefully provides for some staff efficiencies that will allow staff to perform more inspections and have less time handling paper forms.

Comments to Update 3: *This deficiency remains in the process of being corrected. Please continue to provide progress on your next update for inspection of your HMBP facilities.*

CUPA Corrective Action (Update 4): During the current fiscal year CUPA staff has completed 554 facility inspections of the 2191 active HMBP facilities in the county. An in-depth analysis will be done to see if additional inspections numbers will be added to the final count.

Cal EMA Comments to Update 4: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of HMBP facilities and the number of facilities inspected for compliance on the next progress report.*

CUPA Corrective Action, (Update 5): A review of the HMBP facility inspections for the period of July 1, 2009 to Dec 30, 2009 was completed. It shows that 277 HMBP facilities have been inspected by CUPA staff during the current fiscal year. The current count of HMBP facilities in Fresno County is 3088 which includes farms and remote unstaffed facilities. There has been an increase of 891 regulated HMBP facilities since our first update with no additional staff.

CalEMA Response to Update 5: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of HMBP facilities and the number of facilities inspected for compliance on the next progress report. Please note that HMBP are inconsistently referenced in the Corrective Action above (i.e. HMBP and CalARP are both referenced).*

CUPA Corrective Action, (Update 6): A review of the HMBP facility inspections for the period of July 1, 2009 to March 12, 2010 was completed. It shows that 414 HMBP facilities have been inspected by CUPA staff during the current fiscal year. The current count of HMBP facilities in Fresno County is 3084 which includes farms and remote unstaffed facilities. Farms are not activity inspected at this time; however a program is being developed to create a compliance program.

Currently staff are working diligently to transition to the Portal for online electronic submission of HMBP submittals. The system is live and approximately 101 facilities have submitted online. The web address for our Portal is <https://www.fresnocupa.com>.

CalEMA Response to Update 6: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of HMBP facilities and the number of facilities inspected for compliance on the next progress report.*

CUPA Corrective Action, (Update 7): A review of the HMBP facility inspections for the period of July 1, 2009 to June 1, 2010 was completed. It shows that 606 HMBP facilities have been inspected by CUPA staff during the current fiscal year.

The current count of HMBP facilities in Fresno County is 3084 which includes farms and remote unstaffed facilities. If farms and remotes sites are removed from the count **2181 HMBP active facilities** remain.

The last report stated "Farms are not activity inspected at this time; however a program is being developed to create a compliance program". This has changed, since the last report 5 farms have been inspected.

CalEMA Response to Update 7: *This deficiency remains in the process of being corrected. Cal EMA looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of HMBP facilities and the number of facilities inspected for compliance on the next progress report.*

Deficiency 11: The CUPA is not conducting hazardous waste generator inspections with a frequency consistent with it's I&E Program Plan, which is triennial.

Corrective Action: The CUPA will prioritize inspections based on the risk and complexity of the facilities, including Resource Conservation Recovery Act (RCRA) large quantity generators (LQG's). Beginning October 30, 2008, the CUPA will provide the number of inspections conducted.

CUPA Update 1: The CUPA has prioritized inspections based on the risk and complexity of the facilities, including Resource Conservation Recovery Act (RCRA) large quantity generators (LQG's).

ACTION PLAN DETAIL: 1281 hazardous waste generators in the county, 554 have been inspected and 757 are due for inspection, 250-275 sites will be identified a year for inspection. An average of 3-5 facilities will be inspected per month by each of the 7 staff assigned to the program.

Comments to Update 1: *DTSC appreciates the CUPA's efforts in continuing to identify and prioritize LQG inspections. However, this deficiency remains in the the CUPA has*

inspected about 20.8% of their hazardous waste generators (HWG) during fiscal year 07/08; which remain below the CUPA's triennial inspection frequency goal for the HWG program. Submit a status of the CUPA's progress in implementing their plan on the next progress report.

CUPA Update 2: 168 have been inspected during the current fiscal year. The CUPA staff is meeting the planned inspection average of 3-5 facilities inspected per month by each of the 7 staff assigned to the program. The CUPA staff is on track to inspect all regulated businesses within the next 3 years.

Comments to Update 2: *DTSC appreciates the CUPA's efforts to correct this deficiency. On the next progress report, please update Cal/EPA on the status of this deficiency, including the number of hazardous waste generators (HWG) inspections inspected*

CUPA Corrective Action (Update 3): 259 HWG facilities have been inspected during the current fiscal year. The CUPA staff is meeting the planned inspection average of 3-5 facilities inspected per month by each of the 7 staff assigned to the program. The CUPA staff is on track to inspect all regulated businesses within the next 3 years.

DTSC Response to Update 3: *DTSC appreciates the CUPA's efforts in trying to correct this deficiency. Please update Cal/EPA on the number of hazardous waste generators (HWG) inspections inspected on the next progress report.*

CUPA Corrective Action (Update 4): 354 HWG facilities have been inspected during the current fiscal year. An in-depth analysis will be done to see if additional inspections numbers will be added to the final count.

DTSC Response to Update 4: *DTSC appreciates the CUPA's efforts in trying to correct this deficiency. However, this deficiency remains since the CUPA has inspected about 24.8% of their hazardous waste generators (HWG) during fiscal year 08/09; which remain below the CUPA's triennial inspection frequency goal for the HWG program. Please update Cal/EPA on the number of hazardous waste generators (HWG) inspections inspected on the next progress report.*

CUPA Corrective Action, (Update 5): A review of the HWG facility inspections for the period of July 1, 2009 to Dec 30, 2009 was completed. It shows that 144 HMBP facilities have been inspected by CUPA staff during the current fiscal year. The current count of CalARP facilities in Fresno County is 1450. There has been an increase of 169 regulated HWG facilities since the first response with no additional staff.

DTSC Response to Update 5: *This deficiency remains in the process of being corrected. DTSC looks forward to following the CUPA's progress on inspecting its facilities. Please continue to provide updates for the total number of hazardous waste generators and the number of facilities inspected for compliance on the next progress*

report. Please note that HWG are inconsistently referenced in the Corrective Action above (i.e. HWG, HMBP and CalARP are all referenced).

CUPA Corrective Action, (Update 6): A review of the HWG facility inspections for the period of July 1, 2009 to March 2010 was completed. It shows that 208 HMBP facilities have been inspected by CUPA staff during the current fiscal year. The current count of CalARP facilities in Fresno County is 1444.

DTSC Response to Update 6: *This deficiency remains in the process of being corrected. Please clarify the statement, "A review of the HWG facility inspections for the period of July 1, 2009 to March 2010 was completed." Please provide updates for the total number of hazardous waste generators and the number of hazardous waste generator facilities inspected for compliance on the next progress report.*

CUPA Corrective Action, (Update 7): A review of the HWG facility inspections for the period of July 1, 2009 to June 1, 2010 was completed. It shows that 289 HWG facilities have been inspected by CUPA staff during the current fiscal year. The current count of HWG facilities in Fresno County is 1426.

DTSC Response to Update 7: *DTSC appreciates the CUPA's efforts in trying to correct this deficiency. However, this deficiency remains since the CUPA has inspected about 65.9% of their hazardous waste generators (HWG) for the fiscal years (FY) 2007 through 2010 (FY 07/08 - 20.8%; FY 08/09 - 24.8%; and FY 09/10-20.3%) which remain below the CUPA's triennial inspection frequency goal for the HWG program. Please update Cal/EPA on the number of HWG and the number of HWG inspections conducted on the next progress report.*